THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19644 of 2007

Date:08-10-2007

Between:

Banala Vijendar Reddy

.. PETITIONER

AND

The District Collector, Nalgonda and another

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the proceedings No.B/1080/2006, dated 30.08.2007 issued by the Tahsildar, Gundala Mandal, Nalgonda District, as illegal and arbitrary.

It is the case of the petitioner that an extent of Ac.05.29 guntas in Sy.No.107 situated at Ramaram village of Gundala mandal, Nalgonda District has been assigned in favour of Royyala Krishna Murthy, Royyala Rammurthy and Royyala Narsimha Murthy and the same has been cancelled and thereafter, the Mandal Revenue Officer, Gundala assigned the said lands in favour of the petitioner vide proceeding No. B/1080/2006, dated 17.03.2006a and the petitioner has been in occupation and cultivation of the said assigned lands without violating any of the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act) and the rules made thereunder. While so, the Tahsildar, Gundala issued notice in Form No.2 of the Act stating that the said lands were assigned in favour of R.Krishnamurthy, R.Ramamurthy and Narsimha Murhty and the petitioner has purchased the said land contrary to the provisions of Section 3(2) of the Act and accordingly the petitioner was called upon to submit his explanation within fifteen days as to why the said land shall not be resumed to the government. It is stated that the notice, dated 30.08.2007 has been received and within the prescribed time of fifteen days, the explanation has been submitted on 20.09.2007.

I am of the opinion that whether the assignment made in favour of the aforesaid three persons viz. Royyala Krishna Murthy, Royyala Rammurthy and Royyala Narsimha Murthy has been cancelled or not, I am not inclined to express any opinion with regard to the legality, validity or genuineness of assignment made in favour of the petitioner. But, however, only a show cause notice has been issued to the

petitioner for which explanation has already been submitted on 20.09.2007.

Having regard to the facts of the case, the writ petition is disposed of directing the second respondent to consider and dispose of the explanation submitted by the petitioner to the notice No.B/1080/2006, dated 30.08.2007 and pass appropriate orders in accordance with law considering the contentions of the petitioner and till the final orders are passed under Section 4(1)(b) of the Act, status-quo with regard to the possession obtained as on today shall be maintained. No costs.

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V.ESWARAIAH, J.

Date:08.10.2007.
ccm